

1.0 Introduction

In the early 1900's, the State of Nevada recognized the need to write legislation to manage one of the most precious natural resources it possesses, water. The State adopted a system of water law commonly known as prior appropriation. The doctrine was first initiated by early miners, which simply followed the same rules of the land they used in resolving many disputes over the minerals they competed for on public lands "first in time, first in right". What this early rule dictated was the earliest miner to put the water to work had a right to continue using it to the exclusion of others. Early court decisions in Nevada commonly recognized this water right rule based on the miners' customs.

Over the years, this doctrine of prior appropriation evolved and became the primary doctrine governing water rights for Nevada as well as most other western states. Currently, the appropriation of a water right in Nevada typically follows the process of 1) making "Application" to the State Engineer for a specific use and place of use of water under state water-right laws, statutes, or regulations. Applications that are not successfully protested or otherwise rejected by the State Engineer are 2) granted a "Permit" to use the water as described. Permitted water rights have specific filing conditions that require 3) "Proof of completion of work" filings on those structures needed to divert the permitted water and 4) "Proof of beneficial use" filings with the State Engineer. The final phase of this appropriation process is 5) issuance of the water right's "certificate" that is based on the complete and accurate implementation of the previously filed conditions. Required filing dates that are not met by the owner may be addressed through the filing of extensions. Extensions are typically given for one year at a time. There are many more requirements and details associated with this process which are expanded upon in Appendix C.

Esmeralda County (County) is located in the southwest portion of Nevada and covers approximately 3,570 square miles. Over 98 percent of the County's surface area is controlled and managed by the federal government. The County's population, as reported by the U.S Census Bureau was 971 for the year 2000.

In 2006, the County secured grant funding from the Water Rights Technical Support Fund created by Senate Bill 62, to help protect public agency's water rights and ensure a future for growth by creating a Water Rights Management Plan. This Plan is intended as a living document to enhance and protect the County's water rights for current and future public water demands. Because the conditions of water rights can evolve and change with the changing needs within a County, this plan incorporates filing and other general water right information to assist the Count with management of these water rights.

To achieve the objective of providing an on-going guide to manage water rights, an assessment of existing water rights held by the County was conducted to ascertain their status. The investigation started with the Nevada Division of Water Resource's (DWR) website database and supporting files. Documentation for the 29 identified County water rights is provided in Appendix B. Each water right is numbered to correspond to the tables and text of this management plan for ease of reference.

Once the status of County water rights is understood, recommendations and management strategies can be adopted as the need for water over time dictates. Strategies are at the discretion of County government and designed to support changing populations and environmental needs within Esmeralda County.

Management strategies also target specific water right conditions or requirements, often unique to individual rights. The research was augmented with a field reconnaissance conducted on August 16, 2006, to confirm a number of these conditions. The status of the County's water rights were then summarized by groups that are in part, based on hydrographic basins.

1.1 Hydrographic Basins

In 1968, F. E. Rush divided Nevada into 14 hydrographic regions, which were subsequently divided into 232 individual hydrographic basins based on topography and hydrologic boundaries. The United States Geological Survey (USGS) was commissioned to conduct reconnaissance studies on many of the individual hydrographic basins to better understand the available water that could be appropriated without over drafting the basins. It is by these reconnaissance reports that today's DWR base the management of both surface and groundwater appropriations from the hydrographic basins in the State.

Esmeralda County encompasses all or a portion of eleven hydrographic basins that include: Queen Valley, Columbus Salt Marsh Valley, Fish Lake Valley, Monte Cristo Valley, Big Smokey Valley, Alkali Spring Valley, Clayton Valley, Lida Valley, Sarcobatus Flat, Grapevine Canyon and Oriental Wash. The County has approximately 3,585 Acre-Feet (AF) of water rights associated with several public water facilities, distributed throughout four of these hydrographic basins (Figure 1). The facilities are located in basins: Fish Lake Valley (Basin 117), Alkali Spring Valley (Basin 142), Clayton Valley (Basin 143), and Lida Valley (Basin 144).